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General Assembly

Fifiieth Session

Official Records

68th plenary meeting
Tuesday, 21 November 1995, 10 a.m.
New York

President: Mr. Diogo Freitas do Amaral ..... (Portugal)

In the absence of the President, Mr. Reyn (Belgium), Vice-President, took the Chair.

The meeting was called to order at 10.40 a.m.

Agenda item 16 *(continued)*

Elections to fill vacancies in subsidiary organs and other elections

(a) Election of twenty-nine members of the Governing Council of the United Nations Environment Programme

The Acting President: Pursuant to General Assembly decision 43/406, the Assembly will proceed to the election of twenty-nine members of the Governing Council of the United Nations Environment Programme, to replace those members whose term of office expires on 31 December 1995.

The 29 outgoing members are: Australia, Bangladesh, Bhutan, Botswana, Cameroon, Chile, Colombia, Congo, Côte d'Ivoire, Denmark, Guyana, India, the Islamic Republic of Iran, Italy, Kenya, Malaysia, Mexico, the Netherlands, Nigeria, Pakistan, Poland, Portugal, Romania, Rwanda, Senegal, Slovakia, Sri Lanka, the United Kingdom of Great Britain and Northern Ireland and Uruguay.

Those States are eligible for immediate re-election.

I should like to remind members that after 1 January 1996 the following States will still be members of the Governing Council: Argentina, Brazil, Bulgaria, Burundi, Canada, China, Costa Rica, the Democratic People's Republic of Korea, France, Gabon, Gambia, Germany, Guinea-Bissau, Hungary, Indonesia, Japan, Nicaragua, the Republic of Korea, the Russian Federation, Spain, Sudan, Sweden, Switzerland, the Syrian Arab Republic, the United States of America, Venezuela, Zaire, Zambia and Zimbabwe.

Therefore, those 29 States are not eligible in this election.

As members know, in accordance with rule 92 of the rules of procedure,

> "All elections shall be held by secret ballot. There shall be no nominations."

However, I should like to recall paragraph 16 of General Assembly decision 34/401, whereby

> "The practice of dispensing with the secret ballot for elections to subsidiary organs when the number of candidates corresponds to the number of seats to be filled should become standard ... unless a delegation specifically requests a vote on a given election."

In the absence of such a request, may I take it that the Assembly decides to proceed to the election on that basis?

95-86762 (E)

This record contains the original text of speeches delivered in English and interpretations of speeches delivered in the other languages. Corrections should be submitted to original speeches only. They should be incorporated in a copy of the record and be sent under the signature of a member of the delegation concerned, *within one month of the date of the meeting*, to the Chief of the Verbatim Reporting Service, Room C-178. Corrections will be issued after the end of the session in a consolidated corrigendum.

It was so decided.

The Acting President: I shall now read out the names of the candidates endorsed by the regional groups: for eight seats from the African States — Algeria, Benin, Burkina Faso, the Central African Republic, Kenya, Mauritania, Morocco and Tunisia; for seven seats from the Asian States — India, the Islamic Republic of Iran, the Marshall Islands, Pakistan, the Philippines, Samoa and Thailand; for three seats from the Eastern European States — the Czech Republic, Poland and Slovakia; for five seats from the Latin American and Caribbean States — Chile, Colombia, Mexico, Panama and Peru; for six seats from the Western European and other States — Australia, Finland, Italy, the Netherlands, Turkey and the United Kingdom of Great Britain and Northern Ireland.

Since the number of candidates endorsed by the African States, the Asian States, the Eastern European States, the Latin American and Caribbean States, and the Western European and other States corresponds to the number of seats to be filled in each region, I declare those candidates elected members of the Governing Council of the United Nations Environment Programme for a four-year term beginning on 1 January 1996.

I congratulate the States that have been elected members of the Governing Council of the United Nations Environment Programme.

This concludes our consideration of sub-item (a) of agenda item 16.

(b) Election of twelve members of the World Food Council

Note by the Secretary-General (A/50/208)

The Acting President: In accordance with resolution 3348 (XXIX) of 17 December 1974, the General Assembly elects the members of the World Food Council upon their nomination by the Economic and Social Council.

The Assembly has before it document A/50/208, which contains the nominations by the Economic and Social Council to fill the vacancies in the World Food Council which will occur as a result of the expiration on 31 December 1995 of the terms of office of Ecuador, France, Guinea-Bissau, Hungary, India, the Islamic Republic of Iran, Italy, Japan, Nigeria, Norway, Peru and Tunisia.

Those States are eligible for immediate re-election.

I should like to remind members that after 1 January 1996 the following States will remain members of the World Food Council: Albania, Angola, Bangladesh, Brazil, China, Colombia, the Dominican Republic, Honduras, Indonesia, Kenya, Liberia, Malawi, the Marshall Islands, Mexico, Pakistan, the Russian Federation, Sudan, Turkey, Uganda and the United States of America.

Therefore, those 20 States are not eligible in this election.

The following States have been nominated by the Economic and Social Council: three African States for three seats — Algeria, Mali and Togo; three Asian States for three seats — India, the Islamic Republic of Iran and Japan; one Eastern European State for one seat — Hungary.

As a result, the number of candidates nominated from among the African States, the Asian States and the Eastern European States is equal to the number of seats allocated to each of those regions.

As members know, in accordance with rule 92 of the rules of procedure, all elections shall be held by secret ballot.

However, in accordance with paragraph 16 of decision 34/401, the Assembly may dispense with balloting when the number of States nominated from among the regions is equal to the number of seats to be filled.

May I take it that the Assembly wishes to declare the States that have been nominated by the Economic and Social Council elected members of the World Food Council for a three-year term beginning on 1 January 1996?

It was so decided.

The Acting President: I congratulate the States that have been elected members of the World Food Council.

Regarding the five remaining seats — two for the Latin American and Caribbean States, and three for the Western European and other States — for this session, the General Assembly will be in a position to act on these upon the nomination by the Economic and Social Council of Member States from those regions.

I should also point out that two seats have been left vacant since the forty-eighth session, one for the Eastern European States and one for the Western European and other States; and two seats have been left vacant since the forty-ninth session, from the Western European and other States. These will also require nominations of candidates from those groups by the Economic and Social Council.

I therefore propose that the Assembly keep this sub-item on the agenda of the fiftieth session.

If I hear no objection, I shall take it that the Assembly agrees to that procedure.

It was so decided.

The Acting President: The Assembly has thus concluded this stage of its consideration of sub-item (b) of agenda item 16.

Agenda item 17

Appointments to fill vacancies in subsidiary organs and other appointments

(f) Appointment of members of the Committee on Conferences

Note by the Secretary-General (A/50/106)

The Acting President: As indicated in document A/50/106, since the terms of office of Austria, Fiji, Grenada, Jordan, Morocco, Niger and the United States of America on the Committee on Conferences expire on 31 December 1995, it is necessary for the President of the General Assembly to appoint, during the current session, seven members to fill the resulting vacancies. The members so appointed will serve for a period of three years beginning on 1 January 1996.

After consultations with the Chairmen of the groups of African States, Asian States, Latin American and Caribbean States, and Western European and other States, the President of the General Assembly has appointed Austria, Jamaica, Jordan, Morocco and the United States of America as members of the Committee on Conferences, with effect from 1 January 1996.

May I take it that the Assembly takes note of these appointments?

It was so decided.

The Acting President: Regarding the remaining two seats, one to be filled from among the African States and one from among the Asian States, the President of the General Assembly intends to hold further consultations with the Chairmen of the groups concerned. Therefore, I propose that the Assembly keep sub-item (f) of agenda item 17 on the agenda of the fiftieth session.

If I hear no objection, I shall take it that the Assembly agrees to that procedure.

It was so decided.

The Acting President: We have thus concluded this stage of our consideration of sub-item (f) of agenda item 17.

Agenda item 152

Review of the role of the Trusteeship Council

Mr. Cassar (Malta): I am honoured to introduce the agenda item entitled "Review of the role of the Trusteeship Council" on behalf of the Malta Government during this fiftieth session of the General Assembly.

Just four years ago, in his concluding address as President of the General Assembly at its forty-fifth session, my Deputy Prime Minister and Minister of Foreign Affairs, Mr. Guido de Marco, invited representatives gathered in this Hall to reflect on the Trusteeship Council. Pointing out how the Council's very success in bringing to nationhood so many countries and peoples previously under trust had diminished its role, he suggested that

> "in addition to its role under the Charter, the Trusteeship Council hold in trust for humanity humanity's common heritage and its common concerns". *(Official Records of the General Assembly, Forty-fifth Session, Plenary Meetings, 82nd meeting, p. 22)*

Fifty months have passed since then, during which my Government has introduced this idea to scholars and experts individually or as members of commissions, to non-governmental organizations, to academic institutions and, more important, to senior members of Government of many Member States. The purpose of my Government was not only to introduce this concept to others, but also to listen to their reactions. Malta was, and still is, aware that any proposal which relates to a principal organ of the

Charter requires very serious consideration before it can be acted upon.

The common heritage of mankind is a concept that is now well known and understood by the international community. The path that led to its full acceptance, however, was neither wide nor straight. Years went by between the time when Malta's first Permanent Representative to the United Nations, Mr. Arvid Pardo, initially launched the notion in the halls of this building and the time when the concept became universally accepted.

Now, nearly 30 years later, the notion of common heritage finds itself incorporated or reflected in a number of international conventions. That transgenerational perspective which is the foundation of the concept of common heritage is today no longer looked upon with diffidence. On the contrary, it is a perspective that we have come to apply to a wide spectrum of areas of human endeavour.

This broad acceptance of the principle of common heritage is welcome. However, there now exists the need to protect the interests of present and future generations against dispersal of effort and fragmentation. Hence the need to have a focal point for coordination of endeavour in these related areas. The common heritage of mankind requires that its totality be preserved. Distinct as the different areas of interest may be, requiring as they might and indeed do specific attention, the need to retain a comprehensive approach is essential. World public opinion has become aware and demands efficiency and effectiveness within the United Nations system, a line of action that coincides with the direction which Member States have taken and in which they have engaged themselves in recent years.

Having had the opportunity for a wide exchange of views on this subject, my authorities have encountered broad support for the idea of the need to establish a focus for coordination in the interests of future generations. Even those who do not concur with the idea that such a role should be entrusted to a Trusteeship Council with an enhanced role agree in most instances on the need for such coordination. The effective coordination of activities related to the common heritage of mankind, within the overall perspective of ensuring and enhancing the efficiency of the United Nations system, is the primary objective behind the proposal first launched in the General Assembly by its President at the forty-fifth session in September 1990.

The raw material of which the concept of common heritage is made is trust. As my Deputy Prime Minister had the opportunity to explain to this Assembly, the Trusteeship Council, when first formed, incorporated this notion of trust. The concept of trust — a concept of English common law — is fundamental in its fiduciary nature. We have to apply this concept to new realities. We believe that the United Nations holds in trust for humanity its common heritage and its common concerns. We believe that an enhanced Trusteeship Council can be the right organ for this purpose.

My Government is aware, however, that not all share our view on this specific point. Some hold that, rather than entrusting this coordinating role to an enhanced Trusteeship Council, it would be more appropriate to create a new mechanism within the United Nations. They maintain that, having served its purpose, the Trusteeship Council has become obsolete and should therefore be abolished.

Others have also shown great understanding of the need to coordinate the different areas of the common heritage, but hold that it would be inappropriate to assign this new role to an enhanced Trusteeship Council. The status quo is advocated. The Trusteeship Council, they maintain, should remain as it is mandated and constituted at present. It should meet only as and where the occasion might require, by its decision, by its President's decision, at the request of a majority of its members or at the request of the General Assembly or the Security Council, acting in pursuance of the relevant provisions of the Charter.

In no other case relative to the future of a principal organ of the Charter has the United Nations been faced with a choice between three options which are so distinct as to be mutually exclusive. In the knowledge that a final and definite decision on any one of the three options — namely, enhancement, status quo or abolition — requires in-depth reflection, my Government has proposed a draft resolution formulated in such a way so as not to prejudge the issue. Draft resolution A/C.6/50/L.6 is now to be discussed in the Sixth Committee as a follow-up to the initial consideration of this item by the General Assembly.

In its operative part, the draft resolution requests the Secretary-General to seek the views of Member States on the future of this principal organ of the United Nations and to submit a report to the General Assembly at its fifty-first session.

My Government believes that the future of a principal organ of the United Nations merits focused discussion and deliberation by the membership of the Organization. The interest shown by delegations that have joined us in informal consultations bears witness to the fact that others share our conviction that the advice of the Member States is an essential first step. We are aware that the process, whatever the orientation chosen by the majority of Member States, will have to proceed to a forum for discussion and final deliberation.

We do not think that it is necessary at this stage to decide in which forum. The decision as to the future of the Council — the choice between the three options — is one which is essentially political in nature. That decision can be arrived at by the Member States only after a pondered evaluation of the possibilities and the consequences relative to all three options. Only after this decision has been made, and in accordance with the orientation indicated by the Member States, should we decide on the forum which is best suited for the purpose of carrying out the will of the membership.

We are aware of the sensitive nature of the eventual decision which the Member States are being asked to make. It is this awareness which made us cautious about taking a confrontational attitude. We are comforted by the knowledge that most Member States share our view that the distinct areas of the common heritage of mankind require coordination. We are conscious, however, that there is no unanimity on whether an enhanced Trusteeship Council is the best means to attain this end.

My Government believes that at this point it would be of no benefit to anyone to adopt a course of action which could appear to bypass the views of Member States. This is why we are asking the Secretary-General to request the written comments of the membership.

During the informal consultations which preceded the introduction of this item in the General Assembly, we had the opportunity to have a healthy exchange of views, which holds promise for an imminent consensus on the text to be adopted by the Sixth Committee. My delegation appreciates the positive disposition shown by other delegations to discuss and identify core issues. We have been, and will continue to be, receptive to the concerns expressed by others and will show the necessary flexibility to achieve consensus on the draft resolution.

During the recent Commemorative Meeting, most Heads of State and Government, in addressing the General Assembly, stressed the need to reform and restructure the United Nations. Our ideas as to what should constitute the best reform may vary. What unites us, however, is our belief in the negotiating process. What gives us solace is the knowledge that the individual opinion of each and every Member State matters and will have a bearing on the end result.

It is faith in this conviction that motivates us to ask the Secretary-General to request the views of the Member States on the future of the Trusteeship Council.

Mr. Ferrarin (Italy): First of all, I wish to thank the Permanent Representative of Malta, Ambassador Joseph Cassar, for his statement. Our debate today and the discussion scheduled to take place in the Sixth Committee will greatly benefit from Ambassador Cassar's clear and thought-provoking introduction to the important item before us.

The proposal to transform the Trusteeship Council into a guardian and trustee of the resources of the global commons is consistent with Malta's long-standing tradition of launching initiatives on matters of universal concern. In our view, this proposal deserves the most attentive consideration.

The concepts of "global commons" and "common heritage of mankind" are both well known in modern legal doctrine and international practice. They relate to a variety of resources transcending the limits of national jurisdiction or the national interests of a single State. They concern a number of areas — for example, the regime of the sea-bed and its subsoil beneath the high seas, the use of outer space, climate change, the preservation of biodiversity and the protection of the environment, particularly in extra-territorial zones. These concepts have been applied in various multilateral conventions, such as the 1967 Treaty on Principles Governing the Use of Outer Space, the 1979 Moon treaty and the 1982 United Nations Convention on the Law of the Sea. Moreover, the idea of a common responsibility of all States in protecting the global environment is at the very basis of several other international instruments, including the ones that emerged from the 1992 United Nations Conference on Environment and Development, held at Rio de Janeiro. Hence, it is undeniable that the international community is increasingly aware of the need to effectively address the question of safeguarding the resources of the global commons, in the interest of present and future generations.

Against this background, Malta's proposal follows the suggestion by the President of the forty-fifth session of the General Assembly, Mr. Guido de Marco, that the mandate of the Trusteeship Council be enhanced to include responsibility for safeguarding the common heritage of mankind. Accordingly, the Trusteeship Council should be entrusted with the power of coordinating conventions that deal with the resources of the "global commons" and the international community's efforts to protect them. The Maltese proposal in the present situation, after the termination of the Agreement on the last Territory concerned, represents an opportunity to review the role of the Trusteeship Council.

There are also other options available. One is to abolish the Trusteeship Council. A second is to maintain its present mandate, although there are no Territories to be administered. The merit of the Maltese proposal is not only that it indicates a third option, but that it does not prejudice any of these choices at this stage. We are grateful to Ambassador Cassar for having made this point very clear during the preliminary informal discussions held in the past few days. The proposal is meant to encourage an in-depth reflection on the various alternatives for the future of the Trusteeship Council, including the idea of enhancing its role through an additional function as a trustee of the common heritage of mankind. We agree with this approach and are ready to offer our contribution.

I wish to conclude by adding a few remarks on the procedure for analysing the various proposals on the future of the Trusteeship Council. We are in favour of asking the Secretary-General first to invite Member States to provide written comments on this subject next year and then to submit a report to the General Assembly containing these comments. We would be hesitant to indicate the exact United Nations forum to address the matter until these comments have been received and discussed. In our view, it would be preferable for the General Assembly to make this decision at its fifty-first session, next year, after a new debate on the item concerning the role of the Trusteeship Council.

Mr. Keating (New Zealand): Malta has put a new matter, this agenda item, before the General Assembly. We believe Malta has raised a very important issue: how should the United Nations machinery for dealing with international environmental issues be handled? It is particularly important in this fiftieth anniversary year, since we have before us an agenda of wider reform of United Nations institutions.

New Zealand agrees that this issue needs to be addressed. But it is an issue of substance on which the policy machinery of the United Nations should focus. We do not believe it is a legal issue, and we are not in favour of the substantive question's being considered in the Sixth Committee or in the Charter review Committee.

Fortunately, however, by virtue of resolution 49/252, the General Assembly's Open-ended High-level Working Group on the strengthening of the United Nations system already has this substantive issue before it. Paragraph 2 of that resolution decided that the High-level Working Group should review not only proposals from Governments, but also proposals from independent commissions. And, of course, as we all know, the Commission on Global Governance included in its recommendations a proposal similar to the one raised by Malta.

New Zealand believes that there is, therefore, no need for any Assembly resolution at all under agenda item 152. The system is already mandated to consider the substance of Malta's proposal.

By way of a brief comment on the substance at this time, I would say that, while we agree with the need to review fully the way in which the United Nations machinery in the area of the environment works, we have reservations about the narrow focus of Malta's proposal. It is limited to only one small part of the environmental agenda. We believe that any reform in this area would need to have a much broader focus.

In a technical sense, also, we have some problems with the proposal. We believe that the Trusteeship Council is not the right body to carry out these functions. The Trusteeship Council was established as part of the United Nations machinery dealing with colonialism. It has served its purpose, but it is inevitably tainted in the minds of many by its association with an unhappy past.

In our view, the Secretary-General was absolutely right when he recommended last year that the Trusteeship Council should be quietly put to sleep for ever. In our view, this would most efficiently be achieved by following the course developed for those other anachronistic aspects of the Charter — the references to "enemy states". In due course, when the opportunity permits, all the redundant provisions of the Charter can be deleted in one omnibus amendment, and that, of course, is a technical issue which it is very appropriate for the Charter review Committee to act on.

Mr. Castellón Duarte (Nicaragua) *(interpretation from Spanish):* My delegation believes that Malta's initiative on consideration of the role of the Trusteeship Council, as reflected in document A/C.6/50/L.6, is very important and timely at a moment when we are seeking to expand the vision of the United Nations.

Under Article 7 of the Charter, the Trusteeship Council is one of the six principal organs of the United Nations. Chapter XIII lays down the composition, functions and powers of this principal organ of the Organization, and the international trusteeship system is set out in Chapter XII.

All these provisions have become anachronistic now that the last Trust Territory has decided to become self-governing and independent. However, the Council played a very important role in the past, particularly in the period of decolonization, and it is capable of still playing such a role, involving vital aspects of its mandate, in the creation of a new international order.

In my delegation's view, with suitable amendments and with a renewed mandate in keeping with today's changing international circumstances, the Council could still play an important role within the Organization.

The new mandate that should be given to the Council must, of course, be consonant with the reforms that we are currently trying to put into effect, and it should not duplicate the work of other United Nations bodies or specialized agencies. Accordingly, my delegation supports the adoption of a resolution on this issue requesting the Secretary-General to ask Member States for their views, comments and suggestions on the topic, as well as on the question of which body should address it. We tend to favour the Open-ended High-level Working Group of the General Assembly on the strengthening of the United Nations system, since it can consult other bodies and people — universities, academies, non-governmental organizations and other experts — on the question of the revitalization of the United Nations. However, we are open to the subject's being considered by the Charter review Committee, if the majority of States so decide.

Mr. Farhadi (Afghanistan): The delegation of Afghanistan expresses its support for the Maltese proposal. My delegation pays tribute to Mr. Guido de Marco for his proposal made during his presidency of the forty-fifth session of the General Assembly, in 1990. We are also grateful to Ambassador Joseph Cassar of Malta for his useful efforts during this session.

A resolution is needed, because the Trusteeship Council must not be put to sleep. In addition to what our Maltese colleague said, I would like to remind the Assembly of our experience in the course of the last 50 years. We have witnessed many acts of genocide in Europe — in the former Yugoslavia — and in Africa. So I would like to stress the importance of United Nations awareness and preparedness regarding the dangers of genocide.

It can be said that this is a point related to the Third Committee's mandate, but the Third Committee is not in charge of any study on the necessity for awareness and preparedness in any field. It can be said that some points are related to the role of the Security Council, but the Security Council discusses events after they happen, or during a crisis, and takes its decision in an atmosphere threatened by the right of veto. Of course, in the Sixth Committee some points related to genocide are discussed, but this is rather a legal field.

Therefore, while we support Malta's proposal that the Secretary-General be requested to invite Member States to submit written comments on the future of the Trusteeship Council, including its enhancement by being given an additional role as trustee of the common heritage of mankind, my delegation also proposes that the Council's future activities include studies that will improve United Nations awareness of the practical danger of crimes of genocide; in parts of the world there is the potential for such crimes. The studies should also increase the preparedness of the United Nations to prevent crimes of genocide and to make a humanitarian response in cases of such crimes against humanity. This assignment would not be contradictory to the role of the Trusteeship Council during its earlier activities in the course of the past 50 years.

Mr. Sengwe (Zimbabwe): On this golden jubilee of our Organization, my delegation joins those who have paid tribute to the United Nations for its sterling work in the field of decolonization. As the President of the Republic of Zimbabwe rightly observed in his statement some 30 days ago,

> "For us in Africa, the contribution of the United Nations in the decolonization and democratization processes has been an outstanding and honourable one". (*Official Records of the General Assembly, Fiftieth Session, Plenary Meetings, 40th meeting, p. 4*)

In that regard, the Trusteeship Council has played a critical role. For us in southern Africa, the attainment of independence in Namibia epitomized the laudable work of the Trusteeship Council.

Since the Trusteeship Council is one of the principal organs of the United Nations, we are convinced that any review of its role should follow the pattern prescribed by this Assembly for other principal organs, such as the General Assembly, the Security Council and the Economic and Social Council. In this regard, it is our view that, rather than allocate this issue to the Sixth Committee, the General Assembly should invite Member States to submit to the Secretary-General their views on the review of the role of the Trusteeship Council. It is our further conviction that the review of the role of the Trusteeship Council merits the focused attention of Member States, and should not be envisaged as part of the work of the General Assembly's all-encompassing High-level Open-ended Working Group on the strengthening of the United Nations system.

My delegation strongly feels that this Assembly should not incorporate any Member State's proposals in the decision we are about to take at this stage. It is only fair that Member States' proposals be deemed worthy of equal attention once their final inventory is circulated by the Secretary-General.

The Acting President: We have heard the last speaker in the debate on this item. We have thus concluded this stage of our consideration of agenda item 152.

The meeting rose at 11.30 a.m.